

PLANNING COMMISSION
RESOLUTION NO. 3619-PC
RECOMMENDING TO THE CITY COUNCIL APPROVAL
OF
COMMUNITY PLAN AMENDMENT NO. 7687
REZONE NO. 7686
PLANNED DEVELOPMENT PERMIT NO. 7688
SITE DEVELOPMENT PERMIT (ESL) NO. 7689
RIVER VIEW VILLAGE RESIDENTIAL – PROJECT NO. 3938

WHEREAS, RICHARD D. AND CAROLYN A. VAN DERHEYDEN, TRUSTEES OF THE 3-V TRUST AS TO AN UNDIVIDED 50% INTEREST AND BARRY C. AND CONNIE COLLINS, TRUSTEES OF THE COLLINS FAMILY TRUST AS TO AN UNDIVIDED 50% INTEREST, Owners/Permittees, filed an application with the City of San Diego for a Community Plan Amendment, Rezone, Tentative Map, Planned Development Permit and a Site Development Permit, on portions of a 6.36-acre site;

WHEREAS, the project site is located at the northerly terminus of Wembley Street, south of Mission Gorge Road, west of Princess View Drive, and north of Fontaine Street, in the AR-1-2 (Agricultural-Residential) to RX-1-1 (Single-Family Residential – Small Lot); of the Navajo Community Plan;

WHEREAS, the project site is legally described as Lots 3, 4 and 5 of the Subdivision of Lots 61, 62 and the easterly Portion of Lot 63 of the Rancho Mission of San Diego, according to Map No. 1550;

WHEREAS, on December 16, 2004, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of the City of San Diego approval of a Community Plan Amendment, Rezone, Tentative Map, Planned Development Permit and a Site Development Permit to accommodate residential development within the Navajo Community Plan Area; pursuant to the Land Development Code of the City of San Diego;

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREOFRE,

BE IT RESOLVED that the Planning Commission of the City of San Diego hereby RECOMMENDS to the Council of the City of San Diego APPROVAL of the Community Plan Amendment, Rezone, Tentative Map, Planned Development Permit and a Site Development Permit with the following modifications and conditions:

1. That staffs recommendations as outlined in the report to the Planning Commission No. PC-04-193 be approved, with the modified revised tentative map and site plan using Option No. 1-A, and a terraced wall, as submitted by the Applicant.
2. That the Planning Commission supports the following draft findings and includes them in this recommendation, dated December 16, 2004.

Planned Development Permit – Land Development Code Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan.

Staff has reviewed the application and submitted plans for consistency with the Navajo Community Plan, which currently designates the 6.36-acre site for light-industrial use. The current land use designation of light-industrial includes this parcel and a larger approximately 42-acre parcel to the north adjacent to Mission Gorge Road. This larger parcel, Mission Trails Industrial Park, has been developed as a light-industrial park pursuant to previously approved discretionary actions. The subject 6.362-acre property is contiguous to and located south of this industrial park and was once part of the land which was subdivided and developed with the industrial park. With the subdivision of the industrial park land, this 6.362-acre parcel was designated as a remainder parcel and “NOT A PART” of the subdivision pursuant to provisions of the State Subdivision Map Act.

The current application seeks to amend the Navajo Community Plan to designate this 6.362-acre parcel for low-density, single-family residential development. The Planning Commission voted to initiate an amendment to the Community Plan, and directed staff to analyze several areas of concern. These concerns were analyzed and a response included in Planning Commission Report No. PC-04-193 dated November 26, 2004.

The subject parcel is topographically separated from the parcel developed with the industrial park. It is located to the south approximately 120-feet above the industrial park. The property is adjacent to an established residential neighborhood. Staff analysis determined that the request to designate this site for low-density, single-family residential use is able to be supported, due in part to the site being topographically removed from the industrial park site. The site is immediately adjacent to single-family residentially developed property. Access to the site is most practically achieved with the extension of Wembley Street. Access is not practical from the north of the site.

The level of residential density proposed, relates to the existing single-family residential development to the south. The proposed zone is RX1-1, which allows for one dwelling unit per lot with a minimum lot size of 4,000 square feet. The single-family residential directly adjacent to the south is built at approximately 5,000 square-feet per lot or more, with some variation.

Public services such as water, sewer, roads, etc, are in place to support this development. The proposed project will pay hook up fees for access to water and sewer services. Public facilities will not be negatively impacted by the approval of this proposed project as the project will pay development impact fees to contribute to the Navajo parks and fire departments. Police services are provided from the General fund. School fees are an additional fee paid by the developer to the San Diego School District. In addition, according to the finalized mitigated negative declaration, issued November 5, 2004, the proposed project does not require the construction or expansion of recreational facilities. Staff analysis concluded that with approval of the Amendment to the Navajo Community Plan, the development of the site as proposed would be consistent with the amended Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

Staff has reviewed the application for the proposed development of 16 single-family residences, including all submitted plans and exhibits. Staff has determined that public services such as water, sewer, roads, etc, are in place to support this development. The proposed project will have access to and connect with adequate water and sewer services. Public facilities will not be negatively impacted by the approval of this proposed project as the project will pay development impact fees to contribute to the Navajo area parks and fire departments. Police services are provided from the General Fund. School fees are an additional fee paid by the developer to the San Diego School District.

Grading and building plans will be submitted to staff for review with applicable Uniform and Municipal Codes, and City policies. Staff will review the plans and required corrections will subsequently be made to ensure that grading and building plans comply with applicable codes and standards. Upon and during implementation, grading and construction practices will be inspected for compliance with approved plans, industry standards and Uniform Codes.

A Mitigated Negative Declaration has been prepared for the project in accordance with California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program will be implemented to ensure that any impacts are appropriately mitigated. Alternative compliance is being granted to allow the development to observe reduced brush management zones provided that appropriate fire rating methods and techniques are utilized to minimize and reduce exposure to fire hazards. Brush thinning and modification techniques will be utilized in an effort to reduce vegetation and potential fuel sources. Based on these efforts, and with implementation of permit conditions, staff has determined that the proposed development of the site will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code.

Staff has reviewed the proposed development application, submitted plans and required technical studies and determined that with the exception of two minor deviations, and alternative compliance to brush management requirements, the project complies with the regulations of the Land Development Code. Deviations are being granted to allow reduced lot area for one lot, 3,921 sq. ft. in area, which is 79 sq. ft., or less than 0.02% below the required minimum. This deviation has been determined to be supportable because the majority of the lots are well in excess of the 4,000 sq. ft. minimum. This minor reduction will allow the site development to minimize impacts to adjacent open space, while accommodating reasonable density development for the property. A deviation is also being granted to allow retaining wall height for an access roadway to the site, to exceed twelve-feet in height. This area of access has been determined to be the most practicable because site and topographic constraints limit siting and design options.

Grading and building plans will be submitted to staff for review for compliance with applicable Uniform and Municipal Codes, and City policies. Staff will review the plans and corrections may be required to ensure compliance with applicable codes and standards. Upon and during implementation, grading and construction practices will be inspected for compliance with approved plans, industry standards and Uniform Codes.

Conditions have been added to the approved Permit which require compliance with related Land Development Code regulations. Upon project implementation, the proposed development will comply with the regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community.

Staff and the recognized Community Planning Group for the area have reviewed the development proposal which proposes to construct 16, two-story, single-family residential dwelling units. This development will provide additional housing opportunities for the Navajo communities and the region. It will utilize sensitive grading techniques to grade only that portion of the site necessary to implement the density, access and brush management features of the development. Alternative compliance to the brush management ordinance is being granted to achieve an acceptable level of fire safety. A significant northerly portion of the site will be set aside within an open space easement and remain undeveloped. This easement will be maintained by a homeowners association which will be formed. This open space easement will act to minimize view impacts from Mission Gorge Road which is a significant access point for the Navajo communities and a throughway to adjacent municipalities. Based on this assessment it has been determined that the proposed development, when considered as a whole, will be beneficial to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

Staff has reviewed the deviations proposed with the project which include a deviation for Lot 8 to comprise 3,921 sq. ft. of area where a minimum of 4,000 sq. ft. is required for lots in the RX-1-1 Zone. Ten of the remaining lots in the development will comprise at least 8,000 sq. ft. which is twice the minimum required. Portions of these properties will be preserved in an open space easement and remain undeveloped. Also included is a deviation in the retaining wall height for portions of the access to the development, where portions of a westerly retaining wall will observe a maximum height of 42-feet, where 12-feet is the maximum allowed by the Land Development Code. Landscaping and revegetation will be utilized in an effort to minimize view impacts from public rights-of-way. Portions of this wall may be visible from northbound Mission Gorge Road, however, much of this visibility is already substantially obscured by the existing industrial development, approved with the Mission Trails Industrial Park. Without the provision of this retaining wall, vehicular access from an extension of Wembley would be precluded. This would require alternate access be provided across adjacent privately owned property, topographically steep and further constrained by available area to comply with City standards for vehicular access.

Therefore, staff has determined that the proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

Site Development Permit – Land Development Code Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

Staff has reviewed the application and submitted plans for consistency with the Navajo Community Plan, which currently designates the 6.36-acre site for light-industrial use. The current land use designation of light-industrial includes this parcel and a larger approximately 42-acre parcel to the north adjacent to Mission Gorge Road. This larger parcel, Mission Trails Industrial Park, has been developed as a light-industrial park pursuant to previously approved discretionary actions. The subject 6.362-acre property is contiguous to and located south of this industrial park and was once part of the land which was subdivided and developed with the industrial park. With the subdivision of the industrial park land, this 6.362-acre parcel was designated as a remainder parcel and “NOT A PART” of the subdivision pursuant to provisions of the State Subdivision Map Act.

The current application seeks to amend the Navajo Community Plan to designate this 6.362-acre parcel for low-density, single-family residential development. The Planning Commission voted to initiate an amendment to the Community Plan, and directed staff to analyze several areas of concern. These concerns were analyzed and a response included in Planning Commission Report No. PC-04-193 dated November 26, 2004.

The subject parcel is topographically separated from the parcel developed with the industrial park. It is located to the south approximately 120-feet above the industrial park. The property is adjacent to an established residential neighborhood. Staff analysis determined that the request to designate this site for low-density, single-family residential use is able to be supported, due in part to the site being topographically removed from the industrial park site. The site is immediately adjacent to single-family residentially developed property. Access to the site is most practically achieved with the extension of Wembley Street. Access is not practical from the north of the site.

The level of residential density proposed, relates to the existing single-family residential development to the south. The proposed zone is RX-1-1, which allows for one dwelling unit per lot, with a 4,000 sq. ft. minimum for each lot. The single-family residential directly adjacent to the south is built at approximately 5,000 square-feet per site or more, with some variation.

Public services such as water, sewer, roads, etc, are in place to support this development. The proposed project will pay hook up fees for access to water and sewer services. Public facilities will not be negatively impacted by the approval of this proposed project, as the project will pay development impact fees to contribute to the Navajo area parks and fire departments. Police services are provided from the General fund. School fees are an additional fee paid by the developer to the San Diego School District. In addition, according to the finalized mitigated negative declaration, issued November 5, 2004, the proposed project does not require the construction or expansion of recreational facilities.

Staff analysis concluded that with approval of the Amendment to the Navajo Community Plan, the development of the site as proposed would be consistent with the amendment Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

Staff has reviewed the application for the proposed development of 16 single-family residences, including all submitted plans and exhibits. Staff has determined that public services such as water, sewer, roads, etc, are in place to support this development. The proposed project will have access to and connect with adequate water and sewer services. Public facilities will not be negatively impacted by the approval of this proposed project as the project will pay development impact fees to contribute to the Navajo area parks and fire departments. Police services are provided from the General Fund. School fees are an additional fee paid by the developer to the San Diego School District.

Grading and building plans will be submitted to staff for review with applicable Uniform and Municipal Codes, and City policies. Staff will review the plans and required corrections will subsequently be made to ensure that grading and building plans comply with applicable codes and standards. Upon and during implementation, grading and construction practices will be inspected for compliance with approved plans, industry standards and Uniform Codes.

A Mitigated Negative Declaration has been prepared for the project in accordance with California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program will be implemented to ensure that any impacts are appropriately mitigated. Alternative compliance is being granted to allow the development at this location to observe reduced brush management zones provided that appropriate fire rating methods and techniques are utilized to minimize and reduce exposure to fire hazards. Brush thinning and modification techniques will be utilized in an effort to reduce vegetation and potential fuel sources. Based on these efforts, and will implementation of permit conditions, staff has determined that the proposed development of the site as proposed will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

Staff has reviewed the proposed development application, submitted plans and required technical studies and determined that with the exception of two minor deviations, and alternative compliance to brush management requirements, the project complies with the regulations of the Land Development Code. Deviations are being granted to allow reduced lot area for one lot, 3,921 sq. ft. in area, which is 79 sq. ft. (or less than 0.02%) below the required minimum. This deviation has been determined to be supportable because the majority of the lots are well in excess of the 4,000 sq. ft. minimum. This minor reduction will allow the site development to minimize impacts to adjacent open space, while accommodating reasonable density development for the property. A deviation is also being granted to allow retaining wall height for an access roadway to exceed twelve-feet in height. This area of access has been determined to be the most practicable. However, site and topographic constraints limit siting and design options.

Grading and building plans will be submitted to staff for review with applicable Uniform and Municipal Codes, and City policies. Staff will review the plans and required corrections will be required to be made to ensure that grading and building plans comply with applicable codes and standards. Upon and during implementation, grading and construction practices will be inspected for compliance with approved plans, industry standards and Uniform Codes.

Conditions have been added to the approved Permit which require compliance with related Land Development Code regulations. Upon project implementation, the proposed development will comply with the regulations of the Land Development Code.

Supplemental Findings--Environmentally Sensitive Lands

- 1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

Staff has reviewed the application and submitted plans. The development is proposed to be located on an upper portion of the site which has been previously disturbed by grading and passive recreational activities. The intent is to develop approximately 3.45 acres of a 6.36-acre site. The site is within the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan; however it is not a part of or adjacent to the City of San Diego's Multi-Habitat Planning Area (MHPA). Due northwest of the site is 2.8 acre open space area that was established as partial mitigation for the Mission Trails Industrial Park project (EIR No. 88-0794).

Access to the project site will be from an extension of Wembley Street in a northeasterly direction to the proposed residences. The residences will be located on a southerly portion of the site, adjacent to existing single-family residences and away from the steeper northerly portion of the site. Brush management zones, retaining walls and an open space easement will be utilized to accommodate the development.

A Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act and a Mitigation, Monitoring and Reporting Program will be established. Based on an assessment of the site including a site visit, and a review of submitted plans for compliance with applicable codes and policies, staff has determined that the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

- 2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

Submitted plans indicate that the proposed development will be located on a southerly portion of the site which is located near the top of a hillside. This location has been previously disturbed by grading and passive recreational uses. The northerly portion of the site will remain undeveloped within an open space easement, maintained by the property owners through a homeowner's association which will be established.

Site review has included geotechnical boring activities to determine slope stability. Development will incorporate appropriate grading techniques to ensure that drainage is taken into established storm drains, or retained on-site.

Alternative compliance to the brush management ordinance will be utilized to ensure that appropriate measures are taken to reduce fire hazards. Retaining walls will be utilized as will measures to fire rate the structures to minimize fire exposure. No flood hazards are anticipated because the site is located at the top of a hillside and is located away from flood sources.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

Staff has reviewed the development proposal which includes the provision of an open space easement on a significant northerly portion of the site. Adjacent environmentally sensitive lands will be buffered from impacts by this easement. The development will be located as far away from the open space easement as practicable. An Initial Study has resulted in the preparation of a Mitigated Negative Declaration which incorporates a Mitigation, Monitoring and Reporting Program (MMRP). This MMRP will reduce potential impacts to the environment to below a level of significance. Based on this review staff has determined that the proposed development is sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

The project site is not within or adjacent to the City's Multi-Habitat Planning Area (MHPA). The project site is undeveloped, with the intention to developing approximately 3.45 acres of a 6.36-acre site. The site is within the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan; however it is not a part of or adjacent to the City of San Diego's Multi-Habitat Planning Area (MHPA). Due northwest of the site is 2.8 acre open space area that was established as partial mitigation for the Mission Trails Industrial Park project (EIR No. 88-0794).

As part of the survey, the biologist evaluated the potential for sensitive wildlife species to occur onsite. Sensitive wildlife include animal species listed as threatened or endangered, proposed for listing, or candidates for listing by the U.S. Fish and Wildlife Service and the California Department of Fish and Game, or species that are a covered species under the City of San Diego's MSCP Subarea Plan. A focused survey was not required for the California gnatcatcher, because the MHPA is not being impacted by project development and impacts outside the MHPA are considered covered by the MSCP.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

Staff has reviewed the project and determined that the proposed development, located within the Navajo community is not located near a public beach or the shoreline. Drainage and runoff from the development will be retained on-site or deposited into an established storm drain system. Manufactured slopes will be revegetated and managed to preclude excessive drainage and runoff from entering the storm drain system. Conditions have been included in the Permit which require compliance with established laws and policies regarding drainage and stormwater management. Staffs assessment has determined that with implementation of the project and inspection of the grading and construction, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

Staff has reviewed the proposal, submitted plans and required technical studies. An Initial Study and Mitigated Negative Declaration were prepared in accordance with CEQA Guidelines, and a Mitigation, Monitoring and Reporting Program will be established to ensure that any impacts are reduced to below a level of significance. This effort was accomplished in accordance with Government Code regulations concerning mitigation of impacts. Based on staffs assessment, the nature and extent of required mitigation in the MMRP is determined to be reasonably related to and calculated to alleviate negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Mitigated Negative Declaration No. 3938 is RECOMMENDED FOR CERTIFICATION, and Community Plan Amendment No. 7687, Rezone No. 7686, Tentative Map No. 7685, Planned Development Permit No. 7688 and Site Development Permit No. 7689 are hereby RECOMMENDED FOR APPROVAL to the City Council

Motion made by Steele, seconded by Ontai, and passed by a vote of 6-0.

WILLIAM C. TRIPP
Development Project Manager
Development Services

Adopted on: December 16, 2004
Job Order No. 42-0158

cc: Legislative Recorder, Planning Department